38TH CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 29.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the 23d instant, a copy of General Orders No. 23, issued by Major General Banks at New Orleans, dated February 3, 1864.

FEBRUARY 28, 1865.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d instant, I transmit herewith a report from the Secretary of War, with the accompanying General Orders No. 23, issued by Major General Banks at New Orleans February 3, 1864.

ABRAHAM LINCOLN.

WASHINGTON, *February 25*, 1865.

WAR DEPARTMENT,
Washington City, February 25, 1865.

SIR: Pursuant to the resolution of the Senate of the 23d instant, referred by you to this department, I have the honor to submit herewith a copy of General Orders No. 23, issued by Major General Banks at New Orleans, and dated February 3, 1864.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT *of the United States.*

[General Orders No. 23.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, February 3, 1864.

The following general regulations are published for the information and government of all interested in the subject of compensated plantation labor, public or private, during the present year, and in continuation of the system established January 30, 1863:

I. The enlistment of soldiers from plantations under cultivation in this department, having been suspended by order of the government, will not be resumed except upon direction of the same high authority.

II. The provost marshal general is instructed to provide for the division of parishes into police and school districts, and to organize from invalid soldiers a competent police for the preservation of order.

III. Provision will be made for the establishment of a sufficient number of schools, one at least for each of the police and school districts, for the instruction of colored children under twelve years of age, which, when established, will be placed under the direction of the superintendent of public education.

IV. Soldiers will not be allowed to visit plantations without the written consent of the commanding officer of the regiment or post to which they are attached, and never with arms, except when on duty, accompanied by an officer.

V. Plantation hands will not be allowed to pass from one place to another except under such regulations as may be established by the provost marshal of the parish.

VI. Flogging and other cruel or unusual punishments are interdicted.

VII. Planters will be required, as early as practicable after the publication of these regulations, to make a roll of persons employed upon their estates, and to transmit the same to the provost marshal of the parish. In the employment of hands, the unity of families will be secured as far as possible.

VIII. All questions between the employer and the employed, until other tribunals are established, will be decided by the provost marshal of the parish.

IX. Sick and disabled persons will be provided for upon the plantations to which they belong, except such as may be received in establishments provided for them by the government, of which one will be established at Algiers, and one at Baton Rouge.

X. The unauthorized purchase of clothing, or other property, from laborers, will be punished by fine and imprisonment. The sale of whiskey or other intoxicating drinks to them or to other persons, except under regulations established by the provost marshal general, will be followed by the severest punishment.

XI. The possession of arms, or concealed or dangerous weapons, without authority, will be punished by fine and imprisonment.

XII. Laborers shall render to their employer, between daylight and dark, *ten* hours in summer, and *nine* hours in winter, of respectful, honest, faithful labor, and receive therefor, in addition to just treatment, healthy rations, comfortable clothing, quarters, fuel, medical attendance, and instruction for children, wages per month as follows, payment of one-half of which, at least, shall be reserved until the end of the year:

For first-class hands	$8 00	per month.
For second-class hands	6 00	do.
For third-class hands	5 00	do.
For fourth-class hands	3 00	do.

Engineers and foremen, when faithful in the discharge of their duties, will be paid $2 per month extra. This schedule of wages may be commuted, by consent of both parties, at the rate of one-fourteenth part of the net proceeds of the crop, to be determined and paid at the end of the year. Wages will be deducted in case of sickness, and rations also, when sickness is feigned. Indolence, insolence, disobedience of orders, and crime will be suppressed by forfeiture of pay, and such punishments as are provided for similar offences by Army Regulations. Sunday work will be avoided when practicable; but when necessary, will be considered as extra labor, and paid at the rates specified herein.

XIII. Laborers will be permitted to choose their employers; but when the agreement is made, they will be held to their engagement for the year, under the protection of the government. In cases of attempted imposition, by feigning sickness, or stubborn refusal of duty, they will be turned over to the provost marshal of the parish, for labor upon the public works, without pay.

XIV. Laborers will be permitted to cultivate land on private account, as herein specified, as follows:

1st and 2d class hands, with families, *one* acre each;

1st and 2d class hands, without families, *one-half* acre each;

2d and 3d class hands, with families, *one-half* acre each;

2d and 3d class hands, without families, *one-quarter* acre each;

To be increased for good conduct at the discretion of the employer. The encouragement of independent industry will strengthen all the advantages which capital derives from labor, and enable the laborer to take care of himself and prepare for the time when he can render so much labor for so much money, which is the great end to be attained. No exemption will be made in this apportionment, except upon imperative reasons, and it is desirable that for good conduct the quantity be increased until faithful hands can be allowed to cultivate extensive tracts, returning to the owner an equivalent of product for rent of soil.

XV. To protect the laborer from possible imposition, no commutation of his supplies will be allowed, except in clothing, which may be commuted at the rate of $3 per month for first-class hands, and in similar proportion for other classes. The crops will stand pledged, wherever found, for the wages of labor.

XVI. It is advised, as far as practicable, that employers provide for the current wants of their hands, by perquisites for extra labor, or by appropriation of land for share cultivation; to discourage monthly payments so far as it can be done without discontent, and to reserve till the full harvest the yearly wages.

XVII. A free-labor bank will be established for the safe deposit of all accumulations of wages and other savings; and in order to avoid a possible wrong to depositors, by official defalcation, authority will be asked to connect the bank with the treasury of the United States in this department.

XVIII. The transportation of negro families to other countries will not be approved. All propositions for this privilege have been declined, and application has been made to other departments for surplus negro families for service in this department.

XIX. The last year's experience shows that the planter and the negro comprehend the revolution. The overseer, having little interest in capital, and less sympathy with labor, dislikes the trouble of thinking, and discredits the notion that anything new has occurred. He is a relic of the past, and adheres to its customs. His stubborn refusal to comprehend the condition of things occasioned most of the embarrassments of the past year. Where such incomprehension is chronic, reduced wages, diminished rations, and the mild punishments imposed by the army and navy, will do good.

XX. These regulations are based upon the assumption that labor is a public duty, and idleness and vagrancy a crime. No civil or military officer of the government is exempt from the operation of this universal rule. Every enlightened community has enforced it upon all classes of people by the severest penalties. It is especially necessary in agricultural pursuits. That portion of the people identified with the cultivation of the soil, however changed in condition, by the revolution through which we are passing, is not relieved from the necessity of toil, which is the condition of existence with all the children of God. The revolution has altered its tenure, but not its law. This universal law of labor will be enforced upon just terms by the government, under whose protection the laborer rests secure in his rights. Indolence, disorder, and crime will be suppressed. Having exercised the highest right in the choice and place of employment, he must be held to the fulfilment of his engagements, until released therefrom by the government. The several provost marshals are hereby invested with plenary powers upon all matters connected with labor, subject to the approval of the provost marshal general, and the commanding officer of the department. The most faithful and discreet officers will be selected for this duty, and the largest force consistent with the public service detailed for their assistance.

XXI. Employers, and especially overseers, are notified that undue influence used to move the marshal from his just balance between the parties representing labor and capital will result in immediate change of officers, and thus defeat that regular and stable system upon which the interests of all parties depend.

XXII. Successful industry is especially necessary at the present time, when large public debts and onerous taxes are imposed to maintain and protect the liberties of the people and the integrity of the Union. All officers, civil or military, and all classes of citizens who assist in extending the profits of labor, and increasing the product of the soil, upon which, in the end, all national prosperity and power depend, will render the government a service as great as that derived from the terrible sacrifices of battle. It is upon such consideration only that the planter is entitled to favor. The government has accorded to him, in a period of anarchy, a release from the disorders resulting mainly from insensate and mad resistance to sensible reforms, which can never be rejected without revolution, and the criminal surrender of his interests and power to crazy politicians, who thought by metaphysical abstractions to circumvent the laws of God. It has restored to him in improved, rather than impaired condition, his due privileges, at a moment when, by his own acts, the very soil was washed from beneath his feet.

XXIII. A more majestic and wise clemency human history does not exhibit. The liberal and just conditions that attend it cannot be disregarded. It protects labor by enforcing the performance of its duty, and it will assist capital by compelling just contributions to the demands of the government. Those who profess allegiance to other governments will be required, as the condition of residence in this State, to acquiesce, without reservation, in the demands presented by government as a basis of permanent peace. The non-cultivation of the soil without just reason, will be followed by temporary forfeiture to those who will secure its improvement. Those who have exercised or are entitled to the rights of citizens of the United States will be required to participate in the measures necessary for the re-establishment of civil government. War can never cease except as civil governments crush out contest, and secure the sup emacy of moral over physical power. The yellow harvest must wave over the crimson field of blood, and the representatives of the people displace the agents of purely military power.

XXIV. It is, therefore, a solemn duty resting upon all persons to assist in the earliest possible restoration of civil government. Let them participate in the measures suggested for this purpose. Opinion is free and candidates are numerous. Open hostility cannot be permitted. Indifference will be treated as crime, and faction as treason. Men who refuse to defend their country with the ballot-box or cartridge-box have no just claim to the benefits of liberty regulated by law. All people not exempt by the law of nations, who seek the protection of the government, are called upon to take the oath of allegiance in such form as may be prescribed, sacrificing to the public good, and the restoration of public peace, whatever scruples may be suggested by incidental considerations. The oath of allegiance, administered and received in good faith, is the test of unconditional fealty to the government and all its measures, and cannot be materially strengthened or impaired by the language in which it is clothed.

XXV. The amnesty offered for the past is conditioned upon an unreserved loyalty for the future, and this condition will be enforced with an iron hand. Whoever is indifferent or hostile must choose between the liberty which foreign lands afford, the poverty of the rebel States, and the innumerable and inappreciable blessings which our government confers upon its people.

May God preserve the Union of the States.

By command of Major General Banks.

GEORGE B. DRAKE,
Assistant Adjutant General.

Official:

CHARLES EMERSON,
Acting Assistant Adjutant General.